

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID GLUTH,  
Petitioner,  
v.  
PAUL THOMPSON, et al.,  
Respondents.

No. 2:22-cv-0133 AC P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

This case was opened on the basis of petitioner's motion to consider pleadings filed in another case, which was styled as a petition for writ of habeas corpus under 28 U.S.C. § 2241. ECF No. 1. By order filed January 26, 2022, petitioner was given thirty days to submit a petition and either pay the filing fee or file an application to proceed in forma pauperis. ECF No. 3. He was further cautioned that failure to do so would result in a recommendation that this action be dismissed. *Id.* at 2. After petitioner failed to file a petition, pay the filing fee, file a motion to proceed in forma pauperis, or otherwise responded to the court's order, he was given an additional twenty-one days to comply and warned that failure to comply would result in a recommendation that this action be dismissed without further warning. ECF No. 4. That time has now passed, and petitioner has once again failed to comply with or otherwise respond to the January 26, 2022 order.

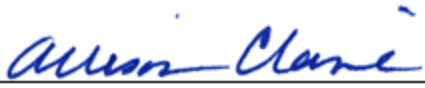
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1 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly  
2 assign a United States District Judge to this action.

3 IT IS FURTHER RECOMMENDED that this action be dismissed for failure to prosecute  
4 and failure to comply with a court order. See Fed. R. Civ. P. 41(b); L.R. 110.

5 These findings and recommendations are submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
7 after being served with these findings and recommendations, petitioner may file written  
8 objections with the court and serve a copy on all parties. Such a document should be captioned  
9 “Objections to Magistrate Judge’s Findings and Recommendations.” Petitioner is advised that  
10 failure to file objections within the specified time may waive the right to appeal the District  
11 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

12 DATED: April 22, 2022

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14 ALLISON CLAIRE  
15 UNITED STATES MAGISTRATE JUDGE  
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